

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ESTATE OF RAYMOND J.
GUZIEWICZ, *ET AL.*,

Plaintiffs,

v.

RENEE P. MAGNOTTA,

Defendant.

No. 3:14-cv-01742

(JUDGE CAPUTO)

(MAGISTRATE JUDGE
SAPORITO)

ORDER

NOW, this 3rd day of July, 2019, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 93) is **ADOPTED**.
- (2) Defendant's Motion for Summary Judgment (Doc. 79) is **DENIED**.
- (3) Plaintiff's state law claim for abuse of process (Counts IV, VII of the Amended Complaint) is **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii).
- (4) Plaintiff's claims for false arrest under 42 U.S.C. § 1983 (Counts II, VII of the Amended Complaint) and intentional infliction of emotional distress under state law (Counts V, VII of the Amended Complaint) are **DISMISSED with prejudice** as legally frivolous and for failure to state a claim upon which relief can be granted, pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i), (ii).
- (5) The Matter is placed on this Court's **September 2019** trial list.

/s/ A. Richard Caputo
A. Richard Caputo
United States District Judge